



Analysis of the BCA's Investigation of the Shooting of Jamar Clark

Fact Sheet #2

This fact sheet is the second in a series that will focus on failures by the Minnesota Bureau of Criminal Apprehension (BCA) to conduct a valid investigation and provide meaningful reports regarding the homicide of Jamar Clark. In light of the current practice of turning to the BCA for independent and professional investigation of officer-involved homicides, such an examination is particularly relevant. Comments, corrections, and additions to these analyses are invited.

In Making Its Determination, the BCA Ignored the Statements of the Twenty Civilian Witnesses its Agents Interviewed

1. The BCA ignored the overwhelming consensus of the civilian witnesses that Jamar Clark was handcuffed at the time he was shot.

Hennepin County Attorney Mike Freeman stated that the witnesses were divided on the handcuff issue. Yet by his own tally, twelve witnesses said they saw handcuffs, two witnesses did not, and 6 were unsure.¹ One witness in the “no handcuffs” category said later in the interview that she wasn’t sure, because she was too busy with Facebook and “wasn’t too much paying attention.”² Several of the witnesses whom Freeman listed as “not sure” stated that, from the way Clark’s hands seemed to be immobilized behind his back, it looked like there were handcuffs, but they didn’t actually see the cuffs. By contrast, the witnesses who said they saw handcuffs spoke quite confidently of that assertion, holding to their statements under repeated questioning by the BCA interviewer. Three identified the color of the cuffs (silver).³ Several described seeing an officer putting on the handcuffs, while four saw the officer remove one cuff before Clark was placed in the ambulance after the shooting.⁴ And one of the “not sure” witnesses says that when Clark was being placed in the ambulance he saw something dangling from Clark’s wrist that looked like a handcuff.⁵ These statements are highly compelling in their consistency, yet they were discounted by Freeman and appear to have been ignored by the BCA.

2. The BCA’s conclusion that Officer Ringgenberg told Officer Schwarze that Clark had his gun was based entirely on the statements of the two officers and ignored strong evidence to the contrary.

Officer Schwarze stated that Ringgenberg “screamed” three times that Clark had his gun.⁶ Many of the civilian witnesses interviewed by the BCA were close enough to have heard this, but none provide any support for the officers’ account. The witnesses report hearing one of the paramedics tell Clark to step back from the ambulance.⁷ Some report the conversation between Clark and the paramedic, and many heard Clark curse at the medic and at the police.⁸ One witness heard an officer call for backup.⁹ Yet not a single one of these witnesses heard Ringgenberg scream for help. No one heard Schwarze tell Clark to let go of the gun or he would shoot. And no one heard Clark say he was ready to die. One witness says that after the shot was fired Ringgenberg looked surprised.¹⁰ Yet the BCA accepted the uncorroborated allegations of the two officers as correct, apparently never even considering that their story might have been concocted after the fact in an attempt to justify their actions.

3. The BCA ignored the nearly unanimous statements of the civilian witnesses that Clark did nothing to provoke the officers to attack him.

All but one of the twenty witnesses report that Clark was not being uncooperative. The only exception was one witness who says he fought the police, but this was the witness who said she was looking at Facebook and wasn't really paying attention.¹¹ The others state that, when asked to step away from the ambulance, Clark complied. Some report that he cursed at the paramedic and at the police.¹² But there is overwhelming agreement that he did not interfere with the paramedics or the officers in any way. Yet Ringgenberg pulled out his gun as he approached Clark, for no apparent reason. Seconds later he took Clark to the ground, using a tactic that is not approved by the Minneapolis Police Department and that caused Ringgenberg to find himself lying on his back on top of Clark, in a potentially vulnerable position. The BCA apparently never considered that the officers' rapid escalation of tactics might have been the result of unreasonable fear rather than due to any action on Clark's part. The BCA's blind acceptance of the officers' story contradicts the overwhelming testimony of the witnesses that Clark did nothing that justified being killed.

¹ <http://www.hennepinattorney.org/-/media/Attorney/NEWS/2016/jamar-clark-case/speech-clark-chronology-3-30-16.pdf?la=en>, p. 9.

² Statement of Tameisha Byrd, p. 7, p. 144 of 1277.

³ Statement of Joseph Gipson, p. 5, p. 285 of 1277. Statement of Nekelia Sharp, p. 8, p. 335 of 1277. Statement of Kiesha Steele, p. 7, p. 385 of 1277.

⁴ Statement of Tequila Dillon, p. 10, p. 106 of 1277. Statement of Joseph Gipson, p. 13, p. 293 of 1277. Statement of Kiesha Steele, p. 2, p. 380 of 1277; p. 7, p. 385 of 1277. Statement of adult female (name redacted), p. 4, p. 1257 of 1277.

⁵ Statement of Derrel Gross, p. 13, p. 315 of 1277; p. 16, p. 318 of 1277.

⁶ Statement of Officer Dustin Schwarze, p. 5-6, p. 224-225 of 1277.

⁷ Statement of Joseph Gipson, p. 2, p. 282 of 1277; p. 5, p. 285 of 1277. Statement of Kiesha Steele, p. 2, p. 380 of 1277; p. 5, p. 383 of 1277. Statement of Nekelia Sharp, p. 4, p. 955 of 1277.

⁸ Statement of Jerome Copeland, p. 5-6, p. 186-187 of 1277. Statement of Derrel Gross, p. 2, p. 304 of 1277; p. 13, p. 315 of 1277. Statement of Nekelia Sharp, p. 3, p. 330 of 1277; p. 9, p. 336 of 1277. Statement of juvenile witness (name redacted), p. 12-14, p. 720-722 of 1277. Statement of Nekelia Sharp, p. 4, p. 955 of 1277. Statement of adult female (name redacted), p. 6-7, p. 1259-1260 of 1277.

⁹ Statement of Joseph Gipson, p. 12, p. 292 of 1277.

¹⁰ Statement of Tondalaya Thompson, p. 5, p. 497 of 1277; p. 7, p. 499 of 1277.

¹¹ Statement of Tameisha Byrd, p. 7, p. 144 of 1277.

¹² See note 8 above.